

Message Text

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TO AMEMBASSY LUXEMBOURG
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SECDEF FOR ASD/ISA

E.O. 11652:GDS

TAGS: MASS, LU

SUBJECT: U.S. ARMY-LUXEMBOURG STORAGE SITE NEGOTIATIONS

REF: LUXEMBOURG 0778

1. PER REFTTEL, USG HAS NO OBJECTION TO THE CONCEPT OF A
GOVERNMENT TO GOVERNMENT MOU, AS PROPOSED BY THE GOL,
COVERING THE SERVICE CONTRACT THAT USAREUR IS NEGOTIATING
FOR STORAGE SPACE IN LUXEMBOURG. AS WE UNDERSTAND IT THE
PROPOSED COVERING AGREEMENT WOULD PROVIDE IN ESSENCE (1)
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AN OUTLINE OF THE BACKGROUND OF THE CONTRACT NEGOTIATIONS,
(2) U.S. ASSURANCES THAT NO NUCLEAR WEAPONS WOULD BE KEPT
AT THE STORAGE SITES, (3) A GENERAL STATEMENT REGARDING
THE UNITED STATES COMMITMENT TO NATO AND TO THE DEFENSE OF
WESTERN EUROPE, AND (4) A PERFORMANCE GUARANTY BY THE GOL.

2. WE ARE SOMEWHAT CONCERNED ABOUT TWO OUT OF THE FOUR

ITEMS BEING ADDRESSED BY THE MOU, I.E., ITEM ONE, THE NEGOTIATING HISTORY AND ITEM THREE, THE DEFENSE COMMITMENT. REGARDING THE LATTER, USG BELIEVES THAT AN EXPLICIT REAFFIRMATION OF THE US COMMITMENT TO NATO AND THE DEFENSE OF WESTERN EUROPE COULD SUGGEST TO SOME READERS SOME SKEPTICISM ON THE PART OF THE GOL AS TO THE SINCERITY OF THE US PLEDGE

TO EUROPE AND A DEVALUATION OF THE PART THE US PLAYED IN THE CREATION AND MAINTENANCE OF NATO. AS SUCH, IT COULD CALL INTO QUESTION THE US SECURITY ALIGNMENT WITH WESTERN EUROPE.

3. IF THE GOL DESIRES TYING THE MOU TO NATO, WE WOULD HAVE NO OBJECTION TO THE USE OF A PREAMBULATORY STATEMENT OR REFERENCE, SUCH AS, QUOTE THE GOVERNMENT OF THE UNITED STATES AND LUXEMBOURG IN RECOGNITION OF THEIR COMMITMENT TO THE COLLECTIVE DEFENSE OF THE NORTH ATLANTIC TREATY AREA, AND IN ACCORDANCE WITH ARTICLE 3 OF THE NORTH ATLANTIC TREATY, HAVE AGREED.... END QUOTE. THIS TYPE OF FORMULATION WOULD BE CONSISTENT WITH OTHER BILATERAL ARRANGEMENTS, AND WOULD, BY CLEAR IMPLICATION, BE EVIDENCE OF A CONTINUING COMMITMENT TO NATO.

4. OUR CONCERN ABOUT ITEM ONE, THE RESUME OF NEGOTIATIONS, IS PRIMARILY DUE TO UNCERTAINTY. AS YOU ARE AWARE, THE USG'S AUTHORITY TO ENTER INTO THE PROPOSED STORAGE/SERVICE CONFIDENTIAL

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CONTRACT IS TIGHTLY CIRCUMSCRIBED BY STATUTE. ANY DEVIATION FROM THAT AUTHORITY COULD NULIFY THE CONTRACT APPROACH AND REQUIRE SOME OTHER FORM OF ARRANGEMENT WHICH MIGHT EVEN NECESSITATE CONGRESSIONAL ACTION. WHILE THE CONTRACT ITSELF WILL BE CAREFULLY DRAWN WITHIN THE STATUTORY LIMITS, IT IS POSSIBLE THAT THE RESUME WILL AT LEAST IMPLY AN UNAUTHORIZED COMMITMENT ON THE PART OF THE USG, E.G. AN OBLIGATION TO RENEW THE CONTRACT FOR PERIODS IN EXCESS OF WHAT IS ALLOWED, ETC. CONSEQUENTLY, UNTIL WE HAVE THE OPPORTUNITY TO REVIEW THE TEXT ON THIS ITEM AND DETERMINE THAT IT DOES NOT RAISE QUESTIONS REGARDING THE LEGITIMACY OF THE CONTRACT APPROACH, WE CANNOT ACCEPT ITS INCLUSION IN THE MOU.

5. THE LEVEL AT WHICH THE COVERING AGREEMENT WOULD HAVE TO BE APPROVED WOULD DEPEND TO A VERY LARGE EXTENT ON ITS SPECIFIC CONTENT. IT WOULD BE INAPPROPRIATE TO REACH ANY CONCLUSIONS IN THIS RESPECT UNTIL SUCH TIME AS WE HAVE HAD AN OPPORTUNITY TO CONSIDER A DRAFT AGREEMENT. EMBASSY MAY INFORMALLY CONVEY TO GOL THE THOUGHTS CONTAINED IN PARAS 2,3 AND 4 ABOVE AND WAIT FOR GOL TO PRODUCE ITS DRAFT MOU IN EARLY SEPTEMBER. AT THAT TIME AMEMBASSY LUXEMBOURG

SHOULD FORWARD A COPY OF THE DRAFT AND EMBASSY RECOMMENDATIONS TO THE DEPARTMENT FOR CONSIDERATION. THIS WOULD GIVE USG TIME IN WHICH TO REVIEW THE GOL PROPOSAL AND TO DECIDE WHETHER TO AUTHORIZE NEGOTIATIONS ON THAT BASIS. THIS SHOULD NOT INTERFERE WITH THE PROCEDURES AND SCHEDULE THAT IS SET FORTH IN PARA 5 REFTEL, EVEN IF WE CONCLUDE THAT AUTHORIZATION VIA THE QUOTE FULL UNQUOTE CIRCULAR 175 PROCEDURE IS REQUIRED. ONCE THE DRAFT MOU HAS RECEIVED

USG APPROVAL, EMBASSY WILL BE AUTHORIZED TO INITIAL THE AGREEMENT.

6. THUS, IN REFERENCE TO PARA 5 (A) REFTEL, EMBASSY LUXEMBOURG AND USAREUR SHOULD LIMIT THEIR ROLE TO PROVIDING CONFIDENTIAL

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GUIDANCE OUTLINED IN PARAS 2, 3 AND 4 ABOVE AND NOT REPEAT NOT COMMENCE NEGOTIATIONS ON ANY SORT OF QUOTE COVERING UNQUOTE AGREEMENT UNTIL DEPARTMENT AND DOD HAVE HAD AN OPPORTUNITY TO REVIEW THE GOL DRAFT. CHRISTOPHER

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